

the Energy Emergency Act (S. 2589), and the Senate had attached a nongermane amendment (consisting of a compromise version of that conference report) to the House amendment to S. 921. It was determined in the House therefore to seek to move to suspend the rules to amend that nongermane Senate amendment with the text of another version of the Energy Act (H.R. 12128). If the motion had been adopted, S. 921, with the House amendment to the Senate amendment to the House amendment, would have been returned to the Senate for an up-or-down vote, any further Senate amendment being in the third degree and not in order.

§ 11.13 The Speaker was authorized, by unanimous consent, to recognize the chairman of one of the standing committees to move to suspend the rules and pass a particular bill on a day other than a suspension day.

On Dec. 12, 1967,⁽²⁰⁾ the House agreed to a unanimous-consent request relating to recognition for a motion to suspend the rules:

MR. [CARL] ALBERT [of Oklahoma]:
Mr. Speaker, I ask unanimous consent

20. 113 CONG. REC. 35946, 90th Cong. 1st Sess.

that it may be in order on Friday next for the Speaker to recognize the gentleman from Texas [Mr. Teague], to call the veterans bill (H.R. 12555) under suspension of the rules.

THE SPEAKER:⁽¹⁾ Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

§ 12. Seconding the Motion; Recognition to Demand Second

Rule XXVII clause 2⁽²⁾ formerly required a second, if demanded, on all motions to suspend the rules:

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

Clause 2 was amended in the 96th Congress (H. Res. 5, Jan. 15, 1979) to delete the requirement for a second where printed copies of the measure as proposed to be passed have been available for at least one legislative day.

The majority vote required on a second is a majority of those present and voting, and, if a sec-

1. John W. McCormack (Mass.).
2. *House Rules and Manual* §906 (1973). second where printed copies of the measure as proposed to be passed have been available for at least one legislative day.

ond is ordered, the motion itself still requires, for adoption, a two-thirds vote of those present and voting.⁽³⁾ If a second is demanded and is not considered as ordered by unanimous consent, the failure of a majority to order the second precludes the consideration of the motion to suspend the rules.⁽⁴⁾ But if a second is not even demanded, the Chair may put the question immediately on the adoption of the motion, since the absence of the demand for a second indicates that no Member wishes to oppose or debate the motion.⁽⁵⁾

The rule specifies that the vote on a second is taken by tellers and not by recorded vote; however, if objection is made to the teller vote on the grounds that a quorum is not present, and the point of order is made that a quorum is not present, an automatic roll call may occur pursuant to Rule XV clause 4.⁽⁶⁾

The demand for a second is utilized to indicate opposition to the motion; the Member who is recognized to demand a second is entitled to control debate in opposition to the motion, amounting to 20 minutes under Rule XXVII

3. See §§ 12.1, 12.3, *infra*.

4. See § 12.2, *infra*.

5. See § 12.6, *infra*.

6. House Rules and Manual § 773 (1979). See § 12.4, *infra*.

clause 3.⁽⁷⁾ Usually, a second is then considered as ordered without the necessity of a vote on ordering a second; where the unanimous-consent request that a second be ordered is objected to, the Chair appoints tellers on the question of a second.⁽⁸⁾

In order to qualify for recognition to demand a second, a Member must indicate his opposition to the proposition being brought up under suspension; in current practice, no distinction is made between degrees of opposition, it being sufficient that the Member seeking recognition state that he is opposed to the motion.⁽⁹⁾

In recognizing a qualified Member to demand a second, the

7. House Rules and Manual § 907 (1979). See §§ 12.7, 12.8, *infra*. For further discussion of debate on motions to suspend the rules, see § 13, *infra*.

Only one Member may be recognized to demand a second, and another request to demand a second comes too late after a second has been ordered (see § 12.9, *infra*).

8. See § 12.5, *infra*. The Member who objects to the request that a second be considered as ordered is not entitled to control the debate in opposition to the motion (unless the same Member was recognized to demand the second). See § 12.7, *infra*.

9. See §§ 12.10–12.13, *infra*. If no Member qualifies as being opposed to the motion, the Speaker may recognize a Member in favor of the motion to demand the second (see § 12.20, *infra*).

Speaker grants priority of recognition to a member of the minority. If two minority members seek recognition, the Speaker may recognize the most senior member, and if a majority member opposed to the motion seeks recognition he will be recognized over a minority member who is not opposed to the bill.⁽¹⁰⁾ Other factors governing recognition being equal, priority of recognition will be given to a member of the committee with jurisdiction over the subject matter.⁽¹¹⁾

Once a second is ordered on a motion to suspend the rules, it is not in order (except b.y unanimous consent) to have the proposition sought to be passed read to the House.⁽¹²⁾

Requirement for a Second

§ 12.1 Rule XXVII clause 2 provides that all notions to suspend the rules shall be seconded by a majority (of those present and voting) by tellers, if demanded by any Member, before being submitted to the House.

10. See §§ 12.14–12.20, *infra*.

11. See § 12.17, *infra*. But see § 12.16 (an opposed minority member has priority of recognition to demand a second over a majority member of the reporting committee).

12. See § 12.21, *infra*.

On June 29, 1972,⁽¹³⁾ Mr. Carl D. Perkins, of Kentucky, moved to suspend the rules and pass H. R. 14896, to amend the National School Lunch Act. A second was demanded and ordered (pursuant to Rule XXVII clause 2):

THE SPEAKER:⁽¹⁴⁾ Is a second demanded?

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. STEIGER of Wisconsin: No, Mr. Speaker.

THE SPEAKER: Is the gentleman from Iowa opposed to the bill?

MR. GROSS: Mr. Speaker, I simply objected to the unanimous consent for a second; that is all.

THE SPEAKER: If the gentleman insists, the vote on ordering a second will be taken by tellers.

MR. GROSS: That is exactly right, Mr. Speaker.

THE SPEAKER: The gentleman from Iowa objects to ordering a second; and the Chair appoints the gentleman from Kentucky (Mr. Perkins) and the gentleman from Iowa (Mr. Gross) as tellers.

13. 118 CONG. REC. 23415, 92d Cong. 2d Sess.

14. Carl Albert (Okla.).

The question was taken; and the tellers reported that there were—ayes 120, noes 10.

So a second was ordered.

THE SPEAKER: The Chair recognizes the gentleman from Kentucky for 20 minutes and the gentleman from Minnesota for 20 minutes each.

§ 12.2 Under Rule XXVII clause 2, the failure of a majority to order a second by tellers precludes consideration of the motion to suspend the rules.

On Dec. 21, 1973,⁽¹⁵⁾ Speaker Carl Albert, of Oklahoma, answered an inquiry on the effect of failure to order a second on a motion to suspend the rules:

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, under [rule XXVII, clause 2], I demand a second by a majority by tellers.

THE SPEAKER: The gentleman from California, (Mr. Hosmer) demands a second, and the Chair appoints as tellers the gentleman from West Virginia (Mr. Staggers) and the gentleman from California (Mr. Hosmer).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, my parliamentary inquiry is this: If this second fails, then this resolution cannot be considered; is that correct?

THE SPEAKER: The Chair will state that the gentleman is correct.

Will the gentleman from West Virginia and the gentleman from California please take their places as tellers.

Voting on Second

§ 12.3 Motions to suspend the rules must be seconded by a majority by tellers, if demanded, although the motion itself requires a two-thirds vote for passage.

On June 5, 1939,⁽¹⁶⁾ where a second was demanded on a motion to suspend the rules, the second was ordered by a majority vote but the motion failed to pass by a two-thirds vote:

Mr. [Kent E.] Keller [of Illinois]: Mr. Speaker, I move to suspend the rules and pass the resolution (S.J. Res. 118) to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes.

The Clerk read the Senate joint resolution, as follows: . . .

THE SPEAKER:⁽¹⁷⁾ Is a second demanded?

MR. [ALLEN T.] TREADWAY [of Massachusetts]: Mr. Speaker. I demand a second.

MR. KELLER: Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

THE SPEAKER: Is there objection?

MR. [STEPHEN] BOLLES [of Wisconsin]: Mr. Speaker, I object.

15. 119 CONG. REC. 43261, 93d Cong. 1st Sess.

16. 84 CONG. REC. 6622-28, 76th Cong. 1st Sess.

17. William B. Bankhead (Ala.).

THE SPEAKER: The Chair appoints as tellers the gentleman from Massachusetts, Mr. Treadway, and the gentleman from Illinois, Mr. Keller, to act as tellers.

The House divided; and the tellers reported there were—ayes 133 and noes 114.

So a second was ordered. . . .

THE SPEAKER: The question is, Shall the rules be suspended and the resolution passed.

The question was taken; and on a division there were ayes 161 and noes 131.

MR. KELLER: Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 229, nays 139, not voting 62 as follows: . . .

§ 12.4 While Rule XXVII clause 2 requires the vote on seconding a motion to suspend the rules to be taken by tellers and precludes the demand for a recorded vote, the failure of a quorum to vote by tellers on ordering a second may precipitate an automatic roll call under Rule XV clause 4.

On Dec. 21, 1973,⁽¹⁸⁾ Speaker Carl Albert, of Oklahoma, answered an inquiry, pending a demand for a second on a motion to suspend the rules, on the proce-

cedure for voting on ordering a second:

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Speaker, reserving the right to object, under my reservation would it be possible to inquire whether or not a record vote could be demanded on the demand for a second?

THE SPEAKER: The rule provides for tellers, under the provisions of clause 5, rule I.

MR. STEIGER of Wisconsin: Mr. Speaker, further reserving the right to object, is a recorded teller vote in order under that procedure?

THE SPEAKER: The answer to the gentleman is that under the rules this would not be in order.

Is there objection to the request of the gentleman from Mississippi?

MR. [JOHN J.] RHODES [of Arizona]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RHODES: What would be the effect, Mr. Speaker, if the motion of the gentleman from West Virginia were not agreed to?

THE SPEAKER: Then the motion could not be considered.

Is there objection to the request of the gentleman from Mississippi?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object further, the Chair has just ruled that no electronic vote can be taken on a demand for a second, but if a quorum fails to vote by tellers, cannot then a yea and nay vote be demanded?

THE SPEAKER: If a quorum fails to vote by tellers, an objection can be

18. 119 CONG. REC. 43261, 43262, 93d Cong. 1st Sess.

made to the result of the vote, and when the objection is made or a point of order is made an automatic rollcall can be had based upon the absence of a quorum.

The vote on ordering a second then proceeded as follows:

THE SPEAKER: . . . On this vote all those in favor of ordering the second will continue to pass through the tellers. The committee divided, and the tellers reported that there were—ayes 109, noes 20.

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, under the provisions of rule XXVII, clause 2, I demand the regular order that the Chamber be closed and that the roll be called.

THE SPEAKER: Does the gentleman object to the vote on the ground that a quorum is not present?

MR. HOSMER: Mr. Speaker, I object to the vote on the ground that a quorum is not present.

THE SPEAKER: The Chair will count. The Chair will count all Members. (After counting) 182 Members are present, not a quorum. A rollcall is automatic. So many as are in favor of ordering the second will vote "aye"; those opposed, "no."

Members will record their vote by electronic device. . . .

The vote was taken by electronic device, and there were—yeas 148, nays 113, answered "present" 1, not voting 170, as follows:

So a second was ordered.

The result of the vote was announced as above recorded.

Following debate on the motion to suspend the rules, two-thirds

failed to vote in the affirmative and the motion was rejected.

Similarly, an automatic roll call under Rule XV clause 4, ensued on ordering a second on a motion to suspend the rules on Feb. 3, 1936, when objection was made to the teller vote thereon on the ground that a quorum was not present (Speaker Joseph W. Byrns, of Tennessee, presiding):⁽¹⁹⁾

THE SPEAKER: Is a second demanded?

MR. [JOHN] TABER [of New York]: Mr. Speaker, I demand a second.

MR. [THOMAS F.] FORD of California: Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

THE SPEAKER: Is there objection to the request of the gentleman from California?

MR. TABER: Mr. Speaker, I object.

THE SPEAKER: The question is on ordering a second.

The Chair appointed Mr. Ford of California and Mr. Taber to act as tellers.

The House divided; and the tellers reported there were ayes 63 and noes 31.

MR. TABER: Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

THE SPEAKER: The Chair will count. [After counting.] Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

19. 80 CONG. REC. 1404, 74th Cong. 2d Sess.

The question was taken; and there were—yeas 199, nays 106, answered “present” 1, not voting 124, as follows: . . .

§ 12.5 When objection is raised to a unanimous-consent request that a second be considered as ordered on a motion to suspend the rules and pass a bill, the Chair immediately appoints tellers on the question of a second, not on the suspension and passage of the bill.

On Sept. 1, 1959,⁽²⁰⁾ Speaker pro tempore Hale Boggs, of Louisiana, proceeded as follows where a second was demanded on a motion to suspend the rules:

MR. [THOMAS B.] CURTIS of Missouri: Mr. Speaker, I demand a second.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Arkansas?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: The Chair appoints the gentleman from Arkansas [Mr. Mills] and the gentleman from Iowa [Mr. Gross] as tellers. . . .

MR. MILLS: Mr. Speaker, a parliamentary inquiry.

20. 105 CONG. REC. 17600, 86th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MILLS: The question before the House, the Speaker having appointed tellers' is on ordering a second, is it not?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

The House divided, and the tellers reported that there were—ayes 146, noes 1.

So a second was ordered.

Where Second is Not Demanded

§ 12.6 Where no Member demands a second on a motion to suspend the rules and pass a bill, the Speaker may immediately put the question on the motion.

On Aug. 1, 1955,⁽¹⁾ the House (Speaker Sam Rayburn, of Texas, presiding) proceeded as follows on a motion to suspend the rules:

MR. [JOHN A.] BLATNIK [of Minnesota]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2552) to authorize the modification of the existing project for the Great Lakes connecting channels above Lake Erie.

The Clerk read as follows:

Be it enacted, etc., That the project for improvement of the Great Lakes connecting channels above Lake Erie is hereby modified to provide controlling depths of not less than 27 feet,

1. 101 CONG. REC. 12663, 84th Cong. 1st Sess.

the work to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with plans approved by the Chief of Engineers, in the report submitted in Senate Document No. 71, 84th Congress 1st session.

Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

THE SPEAKER: Is a second demanded? [After a pause.] The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Member Demanding Second Is Entitled to Debate

§ 12.7 The Member demanding the second and not the Member objecting to a unanimous-consent request that a second be considered as ordered is entitled to recognition for debate against the motion to suspend the rules and pass a bill.

On Sept. 1, 1959,⁽²⁾ Mr. Thomas B. Curtis, of Missouri, demanded a second on a motion to suspend the rules and Mr. H. R. Gross, of Iowa, objected to the unanimous-consent request that a second be considered as ordered. Speaker

pro tempore Hale Boggs, of Louisiana, answered an inquiry on who would be recognized to control time in opposition to the motion to suspend the rules:

MR. CURTIS of Missouri: Under this procedure does the gentleman from Iowa control the time or does the gentleman from Missouri who demanded the second have control of the time?

THE SPEAKER PRO TEMPORE: The gentleman from Missouri demanded a second, and the gentleman from Missouri will control the time.

§ 12.8 A demand for a second by a Member opposed to a motion to suspend the rules does not exist where the House has previously adopted a resolution fixing control of debate on such motion.

On Sept. 20, 1943,⁽³⁾ the House passed (under suspension of the rules) a resolution providing for four hours of debate on a motion to suspend the rules, such time to be divided by the proponents and opponents of the motion:

Resolved, That the time for debate on a motion to suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of.

2. 105 CONG. REC. 17600, 86th Cong. 1st Sess.

3. 89 CONG. REC. 7646-55, 78th Cong. 1st Sess.

Speaker Sam Rayburn, of Texas, then indicated, when the motion so provided for was called up, that a demand for a second (to gain recognition to control time in opposition to the motion) was not necessary, the House having fixed by resolution the control of time in opposition: ⁽⁴⁾

MR. [SOL] BLOOM [of New York]: Mr. Speaker, I move to suspend the rules and pass House Concurrent Resolution 25 with an amendment, which I send to the Clerk's desk.

THE SPEAKER: The Clerk will report the resolution as amended.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby expresses itself as favoring the creation of appropriate international machinery with power adequate to establish and to maintain a just and lasting peace, among the nations of the world, and as favoring participation by the United States therein through its constitutional processes.

MR. [CHARLES A.] EATON [of New Jersey]: Mr. Speaker, I demand a second.

MR. BLOOM: Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

MR. [CLARK E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: May a second be demanded by one who is not opposed to the resolution?

THE SPEAKER: That was practically cured by the resolution just passed, which provides that the time shall be in control of the gentleman from New York [Mr. Bloom] and the gentleman from New Jersey [Mr. Eaton]. The formality was gone through.

MR. [JOHN M.] ROBSION of Kentucky: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ROBSON of Kentucky: Mr. Speaker, I raise the point that the time now provided is in the control entirely of four Members.

THE SPEAKER: The House decided by a vote of 252 to 23 that that was to be the program.

MR. ROBSION of Kentucky: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ROBSION of Kentucky: Mr. Speaker, I understand that the Speaker ruled that a second is ordered, and then the same persons who control the time controlled the 40 minutes.

THE SPEAKER: The House ordered that by unanimous consent. The gentleman from New Jersey [Mr. Eaton] demanded a second, and a second was ordered by unanimous consent. However, that was a formality, because the time was already controlled by the terms of the resolution under which the House suspended the rules.

Requesting Recognition to Demand Second

§ 12.9 A request for recognition to demand a second on a motion to suspend the rules

4. *Id.* at p. 7655.

comes too late after a second has been ordered (or considered as ordered).

On May 15, 1961,⁽⁵⁾ a second having been considered ordered, the Speaker ruled that a request for recognition to demand a second (or a point of order against such recognition) came too late:

THE SPEAKER:⁽⁶⁾ Is a second demanded?

MR. [WILLIAM S.] MAILLIARD [of California]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

MR. [ARMISTEAD I.] SELDEN [Jr., of Alabama]: Mr. Speaker, I yield such time as he may require to the gentleman from Florida [Mr. (Dante B.) Fascell].

MR. FASCELL: Mr. Speaker, the resolution which is before us expresses the sense of Congress that the President exercise his authority under acts which are named to expend funds for assistance to certain Cuban refugees, namely students who need this assistance because of the authoritarian restrictions placed on the activities of those citizens by the Cuban Government or because they are refugees in the United States from the present Government of Cuba. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from California [Mr. Mailliard].

5. 107 CONG. REC. 7988-91, 87th Cong. 1st Sess.

6. Sam Rayburn (Tex.).

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, I demand a second, and I make that demand to keep the record straight. The gentleman did not qualify.

THE SPEAKER PRO TEMPORE: The gentleman from California demanded a second and it has been already ordered.

MR. HOFFMAN of Michigan: The gentleman did not qualify. He did not say he was opposed to the bill.

THE SPEAKER PRO TEMPORE: The gentleman from California.

MR. HOFFMAN of Michigan: Mr. Speaker, a point of order. I demand that the Chair ask if the gentleman is opposed to the bill.

THE SPEAKER PRO TEMPORE: The gentleman from California is recognized.

MR. HOFFMAN of Michigan: What is the ruling on my demand?

THE SPEAKER PRO TEMPORE: The gentleman's demand is too late.

Speaker John W. McCormack, of Massachusetts, made a similar ruling on May 1, 1967:⁽⁷⁾

THE SPEAKER: Is a second demanded?

MR. [WILLIAM L.] SPRINGER [of Illinois]: Mr. Speaker, I demand a second.

MR. [JOHN E.] MOSS [Jr., of California]: Mr. Speaker, I make the point of order that the gentleman from Illinois [Mr. Springer] is not opposed to the joint resolution.

THE SPEAKER: The Chair will ask the gentleman from Illinois [Mr. Springer], is the gentleman opposed to the joint resolution?

7. 113 CONG. REC. 11282, 90th Cong. 1st Sess.

MR. SPRINGER: Mr. Speaker, I am not opposed to the joint resolution.

MR. MOSS: Mr. Speaker, I demand a second.

THE SPEAKER: Is any other member of the committee on the Republican side opposed to the joint resolution?

Without objection, a second will be considered as ordered.

There was no objection.

MR. [THEODORE R.] KUPFERMAN [of New York]: Mr. Speaker, I demand a second. I am opposed to the joint resolution.

THE SPEAKER: The gentleman's demand comes too late.

Member Opposed Is Entitled to Recognition

§ 12.10 On a motion to suspend the rules, a Member opposed to the bill has prior right to recognition to demand a second over a Member who favors the motion.

On Feb. 21, 1949,⁽⁸⁾ Speaker Sam Rayburn, of Texas, ruled as follows on recognition to demand a second on a motion to suspend the rules and pass a bill:

THE SPEAKER: Is a second demanded?

MR. [SAMUEL K.] McCONNELL [Jr., of Pennsylvania]: Mr. Speaker, I demand a second.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, is it not the rule of the House that in order for a Member to demand a second he must qualify by being opposed to the bill?

THE SPEAKER: If there is opposition to the bill, a Member who is opposed to it may claim the right to demand a second.

MR. MARCANTONIO: Mr. Speaker, I am opposed to this bill and I demand a second.

THE SPEAKER: Is the gentleman from Pennsylvania [Mr. McConnell] opposed to the bill?

MR. McCONNELL: No; I am not, Mr. Speaker.

THE SPEAKER: Without objection a second will be considered as ordered.

There was no objection.

Speaker Rayburn delivered a similar ruling on May 1, 1950:⁽⁹⁾

THE SPEAKER: Is a second demanded?

MR. [EDWARD H.] REES [of Kansas]: Mr. Speaker, I demand a second.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I make the point of order that the gentleman is not opposed to the bill.

THE SPEAKER: The Chair was just about to interrogate the gentleman about that.

Is the gentleman from Kansas opposed to the bill?

MR. REES: No, I am not, Mr. Speaker.

MR. MARCANTONIO: Mr. Speaker, I demand a second.

8. 95 CONG. REC. 1444, 81st Cong. 1st Sess.

9. 96 CONG. REC. 6093, 81st Cong. 2d sess.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. MARCANTONIO: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

On July 23, 1956, recognition to demand a second was extended as follows by Speaker Rayburn: ⁽¹⁰⁾

MR. [DANIEL A.] REED of New York rose.

MR. [HAMER H.] BUDGE [of Idaho]: Mr. Speaker, I demand a second.

A parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BUDGE: The committee report says the bill came from the committee by unanimous action. I am opposed to the bill and demand a second.

THE SPEAKER: Is the gentleman from New York opposed to the bill?

MR. REED of New York: I am not opposed to the bill.

THE SPEAKER: The gentleman from New York does not qualify. The gentleman from Idaho qualifies.

Without objection, a second will be considered as ordered.

There was no objection.⁽¹¹⁾

§ 12.11 In recognizing a Member to demand a second on a

10. 102 CONG. REC. 14113, 84th Cong. 2d Sess.

11. See also 104 Cong. Rec. 4788, 85th Cong. 2d Sess., Mar. 19, 1958; 102 CONG. REC. 14108, 84th Cong. 2d Sess., July 23, 1956; 102 CONG. REC. 1575-77, 84th Cong. 2d Sess., May 21, 1956; and 101 CONG. REC. 12694, 84th Cong. 1st Sess., Aug. 1, 1955.

motion to suspend the rules and pass a bill, the Speaker gives preference to a Member who qualifies as being opposed to the bill.

On Dec. 6, 1971,⁽¹²⁾ Speaker Carl Albert, of Oklahoma, extended recognition as follows on a demand for a second on a motion to suspend the rules:

THE SPEAKER: Is a second demanded?

MR. [THOMAS M.] PELLY [of Washington]: Mr. Speaker, I demand a second.

MR. [DAVID H.] PRYOR of Arkansas: Mr. Speaker, is the gentleman from Washington opposed to the bill?

THE SPEAKER: Is the gentleman from Washington opposed to the bill?

MR. PELLY: Mr. Speaker, I voted to report the bill to the floor of the House.

THE SPEAKER: Is the gentleman from Arkansas opposed to the bill?

MR. PRYOR of Arkansas: Yes, Mr. Speaker, and I demand a second.

THE SPEAKER: The gentleman from Arkansas qualifies.

Without objection a second will be considered as ordered.

There was no objection.

Also on Aug. 27, 1962,⁽¹³⁾ Speaker John W. McCormack, of Massachusetts, granted recognition as follows:

THE SPEAKER: Is a second demanded?

12. 117 CONG. REC. 44951, 92d Cong. 1st Sess.

13. 108 CONG. REC. 17671, 87th Cong. 2d Sess.

MR. [WILLIAM L.] SPRINGER [of Illinois]: Mr. Speaker, I demand a second.

MR. [WILLIAM FITTS] RYAN of New York: Mr. Speaker, I demand a second.

THE SPEAKER: The gentleman from Illinois has demanded a second.

MR. RYAN of New York: Mr. Speaker, is the gentleman from Illinois opposed to the bill?

THE SPEAKER: Is the gentleman from Illinois [Mr. Springer] opposed to the bill?

MR. SPRINGER: Mr. Speaker, I am not opposed to the bill.

THE SPEAKER: Is the gentleman from New York [Mr. Ryan] opposed to the bill?

MR. RYAN of New York: Mr. Speaker, I am opposed to the bill and I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

On July 20, 1959,⁽¹⁴⁾ recognition was extended as follows:

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ Is second demanded?

MR. [RUSSELL V.] MACK of Washington: Mr. Speaker, I demand a second.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

MR. SPEAKER PRO TEMPORE: The gentleman will state it.

MR. GROSS: Is the gentleman from Washington opposed to the bill?

THE SPEAKER PRO TEMPORE: Is the gentleman from Washington opposed to the bill?

14. 105 CONG. REC. 13719, 86th Cong. 1st Sess.

15. Carl Albert (Okla.)

MR. MACK of Washington: I am not, Mr. Speaker.

MR. GROSS: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: The gentleman from Iowa qualifies, and without objection a second will be considered as ordered.

There was no objection.⁽¹⁶⁾

§ 12.12 In recognizing a Member to demand a second on a motion to suspend the rules, the Speaker does not distinguish between a Member opposed to the bill "in its present form" and a Member unqualifiedly opposed.

On Feb. 7, 1972,⁽¹⁷⁾ Speaker Carl Albert, of Oklahoma, ruled as follows on recognition to demand a second on a motion to suspend the rules:

THE SPEAKER: Is a second demanded?

MR. [FRED] SCHWENGEL [of Iowa]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. SCHWENGEL: In its present form, Mr. Speaker.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I am opposed to the bill without the reservation "in its present form."

16. See also 109 CONG. REC. 19947, 88th Cong. 1st Sess., Oct. 21, 1963; and 111 CONG. REC. 20689, 89th Cong. 1st Sess., Aug. 17, 1965.

17. 118 CONG. REC. 2881, 2882, 92d Cong. 2d Sess.

THE SPEAKER: If a Member is opposed to the bill at any point, he is opposed to the bill.

Parliamentarian's Note: Under prior practice, the Chair would give priority of recognition, to demand a second on a motion to suspend the rules, to a Member who was unqualifiedly opposed to the bill sought to be passed, rather than to a Member who was opposed qualifiedly (as for example having objections to a portion of the bill or to the method of its consideration).⁽¹⁸⁾

But under current practice, the Speaker does not inquire into the degree of a Member's opposition to the bill, it being sufficient that he be opposed to the motion to qualify to demand a second.

§ 12.13 In recognizing a Member to demand a second on a motion to suspend the rules the Speaker recognizes a Member opposed to the proposition, and where no Member on the minority side qualifies, the Speaker recog-

18. See, for example, 80 CONG. REC. 2239, 2240, 74th Cong. 2d Sess., Feb. 17, 1936 (Member opposed to the way the bill was brought up was not recognized); and 91 CONG. REC. 5513, 5514, 79th Cong. 1st Sess., June 4, 1945 (Member opposed to certain provisions in a bill not recognized).

nizes any Member of the House who qualifies as being opposed.

On Aug. 5, 1948,⁽¹⁹⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, extended recognition as follows to demand a second on a motion to suspend the rules:

THE SPEAKER: Is a second demanded?

MR. [SOL] BLOOM [of New York]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. BLOOM: No.

THE SPEAKER: The gentleman does not qualify. Is anyone on the Democratic side opposed to the resolution? [After a pause.] Is anyone opposed to the resolution?

MR. [FREDERICK C.] SMITH of Ohio: Mr. Speaker, I am opposed to the resolution and I demand a second.

THE SPEAKER: The gentleman qualifies.

Priorities of Recognition

§ 12.14 A minority member opposed to a motion to suspend the rules is recognized to demand a second over a majority member.

On Dec. 21, 1973,⁽²⁰⁾ Speaker Carl Albert, of Oklahoma, recognized, to demand a second on a

19. 94 CONG. REC. 9892, 80th Cong. 2d Sess.

20. 119 CONG. REC. 43285, 93d Cong. 1st Sess.

motion to suspend the rules, a member of the minority party over a member of the majority:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move to suspend the rules and agree to House resolution (H. Res. 761) to take from the Speaker's table the Senate bill S. 921, to amend the Wild and Scenic Rivers Act, with a Senate amendment to the House amendment thereto, and agree to the Senate amendment to the House amendment with an amendment.

The Clerk read as follows:

H. RES. 761

Resolved, That immediately upon the adoption of this resolution the bill S. 921, with the Senate amendment to the House amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment be, and the same is hereby, agreed to.

THE SPEAKER: Is a second demanded?

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I demand a second, and I demand tellers.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. BAUMAN: I am.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

THE SPEAKER: The gentleman from West Virginia (Mr. Staggers) will be recognized for 20 minutes, and the gentleman from Maryland (Mr. Bauman) will be recognized for 20 minutes.

Recognition was similarly granted to the minority over the majority on Aug. 27, 1962:⁽¹⁾

THE SPEAKER:⁽²⁾ Is a second demanded?

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Speaker, I demand a second.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I would like to know if the gentleman qualifies. I believe that the opposition has the right to demand a second.

THE SPEAKER: Is the gentleman from Ohio [Mr. McCulloch] opposed to the resolution?

MR. MCCULLOCH: Mr. Speaker, I am not opposed to the resolution.

THE SPEAKER: The gentleman does not qualify.

MR. [JOHN H.] RAY [of New York]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. RAY: Mr. Speaker, I am.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection.

§ 12.15 In recognizing a Member to demand a second on a motion to suspend the rules and pass a bill, the Speaker gives preference to a minority member.

On Aug. 4, 1958,⁽³⁾ Speaker pro tempore John W. McCormack, of

1. 108 CONO. REC. 17655, 87th Cong. 2d Sess.

2. John W. McCormack (Mass.).

3. 104 CONG. REC. 16096, 85th Cong. 2d Sess.

Massachusetts, ruled as follows on recognition to demand a second on a motion to suspend the rules:

THE SPEAKER PRO TEMPORE: Is a second demanded?

MR. [VICTOR L.] ANFUSO [of New York]: Mr. Speaker, I demand a second. I am opposed to the bill.

MR. [RALPH] HARVEY [of Indiana]: Mr. Speaker, I demand a second.

THE SPEAKER PRO TEMPORE: A second is demanded by the gentleman from Indiana, a member of the minority.

Without objection, a second is considered as ordered.

There was no objection.

§ 12.16 In recognizing a Member to demand a second on a motion to suspend the rules, the Speaker gives priority of recognition to a minority member opposed to the bill over a majority member of the reporting committee.

On Apr. 15, 1946,⁽⁴⁾ Speaker Sam Rayburn, of Texas, recognized a member of the minority over a majority member of the reporting committee to demand a second on a motion to suspend the rules:

THE SPEAKER: Is a second demanded?

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Speaker, I demand a second.

4. 92 CONG. REC. 3722, 79th Cong. 2d Sess.

THE SPEAKER: Is the gentleman from Kansas opposed to the bill?

MR. HOPE: No; I am not, Mr. Speaker.

MR. [RALPH E.] CHURCH [of Illinois]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CHURCH: I am, Mr. Speaker.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: I thought the gentleman on the majority side was entitled to demand a second.

THE SPEAKER: If anyone on the minority claims the right, he is entitled to it.

§ 12.17 A minority member of the committee who is opposed to a bill has prior right to recognition to demand a second on a motion to suspend the rules.

On Dec. 1, 1941,⁽⁵⁾ Speaker Sam Rayburn, of Texas, gave priority of recognition, to demand a second on a motion to suspend the rules, to a minority member on the committee reporting the bill:

MR. [FRITZ G.] LANHAM [of Texas]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6128) to amend the act entitled "An act to expedite the provision of housing in connection with national defense, and for

5. 87 CONG. REC. 9276, 9277, 77th Cong. 1st Sess.

other purposes," approved October 14, 1940, as amended.

The Clerk read the bill as follows: . . .

MR. [J. HARRY] MCGREGOR [of Ohio]: Mr. Speaker, I demand a second.

MR. [PEHR G.] HOLMES [of Massachusetts]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman from Massachusetts opposed to the bill?

MR. HOLMES: I am not opposed to the bill.

THE SPEAKER: Is the gentleman from Ohio opposed to the bill?

MR. MCGREGOR: I am a member of the committee, and I am opposed to the bill, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

Without objection, a second is considered as ordered.

There was no objection.

§ 12.18 In recognizing a Member to demand a second on a motion to suspend the rules and pass a bill, the Speaker gives preference to a majority member opposed to the bill over a minority member who does not qualify as being opposed.

On Sept. 20, 1965,⁽⁶⁾ Speaker John W. McCormack, of Massachusetts, recognized, to demand a second on a motion to suspend the rules, a member of the majority when no minority member who

was opposed to the bill sought recognition for that purpose:

THE SPEAKER: Is a second demanded?

MR. [WILLIAM S.] MAILLIARD [of California]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. MAILLIARD: I am not opposed to the resolution.

THE SPEAKER: The gentleman does not qualify. Does any other Member on the minority side who is opposed to the resolution demand a second?

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the resolution?

HAYS: I am.

THE SPEAKER: The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

Speaker pro tempore William H. Natcher, of Kentucky, followed the same priority of recognition on Dec. 21, 1970 :⁽⁷⁾

THE SPEAKER PRO TEMPORE: Is a second demanded?

[JOHN W.] BYRNES of Wisconsin: Mr. Speaker, I demand a second.

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Speaker, a parliamentary inquiry. Is the gentleman from Wisconsin opposed to the bill, and does he qualify as a second?

THE SPEAKER PRO TEMPORE: Is the gentleman from Wisconsin opposed to the bill?

6. 111 CONG. REC. 24347, 24348, 89th Cong. 1st Sess.

7. 116 CONG. REC. 43087, 91st Cong. 2d Sess.

MR. BYRNES of Wisconsin: Mr. Speaker, I am not.

THE SPEAKER PRO TEMPORE: Is the gentleman from New York opposed to the bill?

MR. BINGHAM: I am, Mr. Speaker, and I demand a second.

THE SPEAKER PRO TEMPORE: The gentleman from New York qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

On July 27, 1946, Speaker Sam Rayburn, of Texas, recognized, to demand a second on a suspension motion, a member of the majority when no minority member qualified as being opposed to the bill:⁽⁸⁾

THE SPEAKER: Is a second demanded?

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I demand a second.

THE SPEAKER: Does any Member of the minority demand a second?

MR. [CARL] HINSHAW [of California]: I demand a second, Mr. Speaker.

THE SPEAKER: Is the gentleman opposed to the motion?

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. MARTIN of Massachusetts: On the last suspension that rule was not invoked. Both Members who controlled the time were in favor of the bill.

THE SPEAKER: Since the question has been raised, the Chair thinks the opposition is entitled to the time.

Does the gentleman from Alabama demand a second?

MR. HOBBS: I do, Mr. Speaker.

§ 12.19 Where two minority members rise to demand a second on a motion to suspend the rules and both qualify as being opposed to the bill, the Speaker recognizes the Member with the most seniority in the House if neither is a member of the committee reporting the bill.

On Feb. 7, 1972,⁽⁹⁾ Speaker Carl Albert, of Oklahoma, recognized, to demand a second on a motion to suspend the rules, the more senior of two minority members seeking recognition, where neither of the two were on the Committee on the Judiciary, which reported the bill being brought up:

THE SPEAKER: Is a second demanded?

MR. [FRED] SCHWENGEL [of Iowa]: Mr. Speaker, I demand a second.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. SCHWENGEL: In its present form, Mr. Speaker.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I am opposed to the bill without the reservation "in its present form."

THE SPEAKER: If a Member is opposed to the bill at any point, he is opposed to the bill.

8. 92 CONG. REC. 10310, 79th Cong. 2d Sess.

9. 118 CONG. REC. 2881, 2882, 92d Cong. 2d Sess.

MR. GROSS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GROSS: The bill, as I understand it, is brought up under suspension of the rules and therefore is not subject to amendment. Is that correct?

THE SPEAKER: The gentleman is correct.

MR. GROSS: Then, in its present form, it cannot be amended.

THE SPEAKER: The gentleman to qualify, must be opposed to the bill.

MR. GROSS: Mr. Speaker, I am opposed to it without reservation.

THE SPEAKER: The gentleman from Iowa (Mr. Gross), is recognized.

§ 12.20 In recognizing Members to demand a second on a motion to suspend the rules, the Speaker recognizes a Member in favor of the motion if no one opposed demands recognition.

On July 17, 1950,⁽¹⁰⁾ Speaker Sam Rayburn, of Texas, recognized a Member in favor of a bill to demand a second on a motion to suspend the rules:

THE SPEAKER: Is a second demanded?

MR. [EARL. C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

I am not opposed to the bill, but if no one is opposed, I would demand a second.

10. 96 CONG. REC. 10438, 81st Cong. 2d Sess.

THE SPEAKER: If no one else is opposed, the gentleman qualifies if he desires.

MR. MICHENER: I demand a second, Mr. Speaker.

MR. [EMANUEL] CELLER [of New York]: I ask unanimous consent, Mr. Speaker, that the second be considered as ordered.

Without objection, the second was ordered.

Reading and Rereading Measure Sought to Be Passed

§ 12.21 Where a motion to suspend the rules and agree to a resolution providing for concurring in a Senate amendment with an amendment consisting of the text of a numbered bill introduced in the House was offered, the reading of the resolution was held sufficient and its rereading pending a demand for a second by tellers was in order only by unanimous consent.

On Dec. 21, 1973,⁽¹¹⁾ Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, moved to suspend the rules and agree to a resolution relating to the order of business:

H. RES. 759

Resolved, That immediately upon the adoption of this resolution the

11. 119 CONG. REC. 43261, 43262, 93d Cong. 1st Sess.

bill S. 921, with the Senate amendment to the House amendment thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the House amendment be, and the same is hereby, agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the text of the bill H.R. 12128.

Mr. Craig Hosmer, of California, then demanded, pursuant to Rule XXVII clause 2, a second on the motion. Speaker Carl Albert, of Oklahoma, ruled on a point of order as follows:

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. WAGGONER: Mr. Speaker, there is not a Member of this Chamber who knows what is being voted on. None of the Speaker's last statements were heard by the Members of the House, and the House is entitled to know what the vote is being cast upon and what the issue is.

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I further state that the motion was not read.

THE SPEAKER: The motion was read.

The Chair will state again to the gentleman that a second was demanded, and tellers were demanded.

Those in favor of a second on the motion will pass between the tellers.

MR. WAGGONER: Mr. Speaker, what is the motion?

THE SPEAKER: The motion is to suspend the rules and agree to House Resolution 759.

MR. WAGGONER: Then, Mr. Speaker, what is that resolution?

THE SPEAKER: The resolution has been reported.

MR. WAGGONER: Mr. Speaker, the House does not understand the resolution as reported and I ask unanimous consent that it be reported again.

THE SPEAKER: Is there objection to the request of the gentleman from Louisiana?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object. A vote is in process.

Parliamentarian's Note: House Resolution 759 itself did not contain the text of the introduced bill, H.R. 12128, and so the text of that bill was not read by the Clerk as part of the resolution, but the text of the bill was printed separately in the Record. Pursuant to § 14.4, *infra*, the Chair, in his discretion upon demand of a Member, could have required the Clerk to report the entire text of the House bill, since it had only been introduced that day and was not yet printed and available to Members. That demand was not made by any Member.

§ 13. Time and Control of Debate

Rule XXVII clause 3⁽¹²⁾ provides that when a motion to suspend

^{12.} *House Rules and Manual* § 907 (1979).